

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ (S)

UNITED STATES OF AMERICA,

Plaintiff,
v.

NIGHT BOX
FILED

SEP 24 2001 JRP

CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

JOSEPH SPITALERI,
Defendant.

UNOPPOSED MOTION TO CONTINUE SENTENCING

The United States of America, through its undersigned Assistant United States Attorneys, files this unopposed motion to continue the sentencing of defendant Joseph Spitaleri until the second week of November for the reasons set forth below.

1. The defendant is presently set for sentencing at 8:30 a.m. on September 26, 2001. Under the guideline calculations, an issue has arisen as to the amount of money for which this defendant should be held responsible under 2S1.1. The question of the amount of monies involved in the fraud/money laundering portion of the RICO is also an issue to be resolved for restitution purposes.

2. The government and counsel for the defendant are attempting to resolve this issue for both sentencing and restitution purposes, but it cannot be completed before the scheduled

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sentencing.¹

3. Therefore, the government is requesting that the sentencing of defendant Spitaleri be continued until the second week of November.

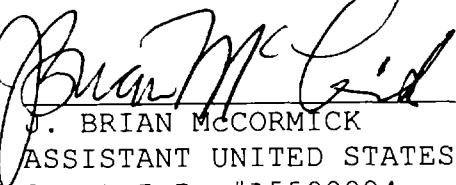
4. The government has spoken with counsel for the defendant, Brian H. Bieber, who concurs with the government's request.

WHEREFORE, the government respectfully requests that this Honorable Court grant the government's request to continue the sentencing of defendant Spitaleri until the second week of November.

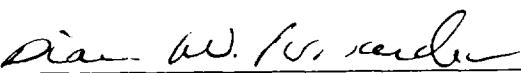
Respectfully submitted,

GUY E. LEWIS
UNITED STATES ATTORNEY

By:


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¹ Further, under the Victim and Witness Protection Act, the victims are entitled to be informed of the sentencing date. Through inadvertence, the victims have not received any notice of the presently scheduled date of September 26.

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing was faxed and mailed this 24th day of September, 2001 to:

Brian H. Bieber, Esq.
2600 Douglas Rd., Penthouse 1
Coral Gables, FL 33134
(Counsel for Joseph Spitaleri)

DIANA L.W. FERNANDEZ
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